IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3576 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : J.P. DEVADHAR AND
B.P. DHARMADHIKARI, JJ.
APRIL 30, 2007.

Heard Shri Lambat, learned counsel for the petitioner, Shri Dubey, learned counsel for respondent No.2 and Shri Bhangde, Senior Advocate with Shri R.M. Bhangde, learned counsel for respondent No.4.

The petitioner has challenged the allotment of retail dealership in favour of Respondent No.4 by Respondent No.2 contending that the same is in breach of Condition No.4 of Advertisement dated 26.6.2000 pursuant to which selection has been made. He contends that in any case Respondent No.4 ought to have disclosed that criminal case was filed against him.

Shri Bhangde and Shri Dubey point out that the advertisement is of June 2000 and charges in criminal matter have been framed on 29.11.2001 for the first time by J.M.F.C. In this background they state that interviews were

conducted for selection by Respondent No.3 dealer on 6.7.2001 and letter of intent has been issued to Respondent No.4 on 26.9.2001 and on both of these dates, there was no charge framed against Respondent No.4.

Shri Bhangde, Senior Advocate has also invited attention to the orders dated 11.9.2003 passed by J.M.F.C., Pulgaon, allowing the application under Section 321 of Criminal Procedure Code moved by the State Government and acquitting Respondent No.4 from offence punishable under Sections 7 & 8 of Essential Commodities Act. Shri Bhangde states that this order is confirmed by this Court also.

In the circumstances, it is apparent that at the relevant date, no criminal charge was framed against Respondent No.4 and there was no conviction and Respondent No.4 has been acquitted. Hence, no case is made out for interference in writ petition. Writ Petition is dismissed. No order as to costs.

JUDGE **JUDGE**

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